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UNIVERSITY OF PITTSBURGH
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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 SAN FRANCISCO DIVISION
19

20 UNIVERSITY OF PITTSBURGH OF THE
COMMONWEALTH SYSTEM OF HIGHER
21 EDUCATION d/b/a UNIVERSITY OF
PITTSBURGH, a Pennsylvania non-profit
22 corporation (educational),

23 Plaintiff,

24 v.

25 VARIAN MEDICAL SYSTEMS, INC., a
Delaware corporation,

26 Defendant.
27
28

Case No. CV-08-02973 MMC

**STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS**

Judge: Honorable Maxine M.
Chesney

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

_____	Non Binding Arbitration	(ADR L.R. 4)
_____	Early Neutral Evaluation	(ENE) (ADR L.R. 5)
<u> X </u>	Mediation	(ADR L.R. 6)

Private Process:

Private ADR (*please identify process and provider*)

The parties agree to hold the ADR session by:

Other requested deadline: Ninety days after the Claim Construction Ruling of this

Court.

Dated: September 5, 2008

ORRICK, HERRINGTON & SUTCLIFFE LLP

/s/ Matthew H. Poppe /s/

Matthew H. Poppe
Attorney for Defendant

Dated: September 5, 2008

MORGAN LEWIS & BOCKIUS, LLP

By: /s/ Rita E. Tautkus, with permission

Rita E. Tautkus
Attorneys for Plaintiff University of
Pittsburgh

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

_____	Non Binding Arbitration
_____	Early Neutral Evaluation
<u> X </u>	Mediation
_____	Private ADR

Deadline for ADR session:

Other: Ninety days after the Claim Construction Ruling of this Court.

IT IS SO ORDERED.

Dated: _____

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the STIPULATION AND [PROPOSED]
ORDER SELECTING ADR PROCESS was served upon the University of Pittsburgh, through its
counsel, via:

_____	Hand-Delivery
_____	Facsimile
_____	First Class, US Mail, Postage Prepaid
_____	Certified Mail – Return Receipt Requested
<u> X </u>	ECF Electronic Service
_____	Overnight Delivery

at the following address:

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San Francisco, CA 94105
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Dated: September 5, 2008

/s/ Matthew H. Poppe

MATTHEW H. POPPE